

The Honorable Michael K. Powell
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Dear Chairman Powell:

My name is Neil Lawrence and I am the treasurer and CIO of TriloBYTE Services Inc., in Tooele, Utah. We began business in 1996 and presently have 1,700 customers, most of whom live and work in Tooele County.

We offer many services that our local phone company, Qwest, does not. Services like free Internet training classes on Wednesday nights, at our offices, and going to our customers homes free of charge to help them with their computer problems. We also helped our local public elementary schools get online, before the district decided that more than just the high school needed internet access.

When we opened for business we started, as many ISPs did, with a stack of ordinary dial-up modems and a fistful of phone lines from Qwest. Of course getting phone lines from Qwest was always a problem, and we frequently lost customers when our modem lines became busy because Qwest was late delivering phone lines we had ordered well in advance. Nowadays we have moved on from ordinary phone lines to digital PRI's (Primary Rate ISDN), at a significantly higher cost per line but we were forced to do this to provide 56k digital access to our customers.

Unfortunately, DSL is not an option for us. If we want to offer Internet access over DSL to our customers, we must do it through Qwest, and the prices Qwest has offered us make it impossible for us to compete. We are expected to pay \$40 per month for the data line to reach the customer, and turn around and compete with Qwest, which is offering reconfigured phone lines, internet access and free \$200 modems, for \$50 per month. There is no way we can offer this product without losing money, and so we have stayed out of the DSL market. Unfortunately this also means that we are losing customers, either to Qwest for DSL, since more and more of our customers are demanding faster access and if we can't provide it, they'll go to someone who will. If that trend continues, TriloBYTE Services inc. will not be around much longer.

I do not have the resources to fight the tariff that Qwest has filed that allows it to get away with charging ISPs a wholesale rate of \$40 for access to the network. I believe the true cost is probably a great deal less than that. However, I also do not believe that the answer to this problem is simply to allow Qwest to stop selling access to the network at all, or to take away the requirements that are supposed to be preventing Qwest from discriminating.

The answer is for the FCC to make a good faith effort to uncover the discrimination (whether it is in pricing or provisioning) and put an end to it. Until the FCC has demonstrated that it is willing to do this for ISPs, any talk about lifting the rules for monopolies like Qwest is premature.

I hope that you will take my comments seriously - I am sending a copy of this letter to my Congressman as well.

Thank you

Neil Lawrence

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Sincerely,

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